

### **REMARKS**

Reconsideration of the subject application as amended herein is respectfully requested.

The Examiner has rejected the claims over U.S. Patent No. 6,927,802 under the doctrine of double patenting. The Applicants respectfully traverse this rejection on the grounds that the '802 patent was filed in the same date as the present application, was invented by the same inventors, and therefore it is not prior art either under 35 USC 102(a) or (102 (b)).

Claims 40-45 stand rejected under 35 USC 101 as being directed to non-statutory subject matter. In response, the preamble of claim 40 has been amended to recite that video signal is configured for a TV receiver. It is respectfully submitted that no such signal is found in nature and, moreover, the claims provide very clear utility and meet the guidelines of the PTO.

The Examiner has rejected the claims 1-45 as being anticipated by the Block patent. The Applicants respectfully traverse these rejections. The claims have been amended to direct the invention to the embodiment in which a composite signal is transmitted with at least standard and a modified audio signal, wherein one of the standard and the modified signals contain regional content. Some claims have also been amended to specify an apparatus with a selector for selecting one of said standard and modified audio signals as being the active signal to be played by a receiver. Block says nothing about such an arrangement.

In his rejection of claim 12 and other similar claims the Examiner points to a passage (see page 7 third full paragraph from the bottom) in Block that describes that in response to user commands local information labels (LIL) are generated and he assumes from this that there must be some region-specific content incorporated in the transmitted signal. This supposition is incorrect. What is happening in Block is that the transmitted signal includes transmitted

information labels (TIL) related to whether the content is acceptable to children or not. The local user then provides his preferences of what content he is willing to accept, and what content goes too far and he wants to reject or replace. Then the TILs and LILs are compared and used to determine whether the TILs meet the criteria set forth by the user. However at no time is the actual transmitted signal affected by the LILs. Therefore it is clear that the claims as amended are patentably distinguishable over Block.

In conclusion, it is respectfully submitted that the subject application is patentably distinguishable over the prior art and should be allowed

Respectfully submitted,

GOTTLIEB RACKMAN & REISMAN PC  
Attorneys for Applicant  
270 Madison Avenue  
New York, New York 10016-0601  
Telephone: (212) 684 3900  
Telefax: (212) 684 3999

By: 

Tibor Weisz, Esq.  
Reg. No. 29,876

Date: March 8, 2006

TW:eg

S:\TW\time-warner-wea\3054-45a\1.doc